

Senate File 2127

AN ACT

RELATING TO MATTERS UNDER THE PURVIEW AND AUTHORITY OF THE
PROFESSIONAL LICENSING AND REGULATION BUREAU OF THE BANKING
DIVISION OF THE DEPARTMENT OF COMMERCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 354.2, subsections 15, 18, and 19, Code 2011, are amended to read as follows:

15. "*Plat of survey*" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a ~~registered~~ licensed professional land surveyor.

18. "*Subdivision plat*" means the graphical representation of the subdivision of land, prepared by a ~~registered~~ licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

19. "*Surveyor*" means a ~~registered~~ licensed professional land surveyor who engages in the practice of land surveying pursuant to chapter 542B.

Sec. 2. Section 354.4, subsection 3, paragraph c, Code 2011, is amended to read as follows:

c. The plat shall be signed and dated by a surveyor, bear the surveyor's Iowa ~~registration~~ license number and legible seal, and shall show a north arrow and bar scale.

Sec. 3. Section 355.1, subsections 9, 11, and 12, Code 2011, are amended to read as follows:

9. "*Plat of survey*" means a graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a ~~registered~~ licensed professional land surveyor.

11. "*Subdivision plat*" means a graphical representation of the subdivision of land, prepared by a ~~registered~~ licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

12. "*Surveyor*" means a ~~registered~~ licensed professional land surveyor who engages in the practice of land surveying pursuant to chapter 542B.

Sec. 4. Section 355.6, subsection 1, Code 2011, is amended to read as follows:

1. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa ~~registration~~ license number of the surveyor to the top of each monument which the surveyor places.

Sec. 5. Section 355.7, subsection 15, Code 2011, is amended to read as follows:

15. The plat shall contain a statement by a surveyor that

the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa ~~registration~~ license number and legible seal.

Sec. 6. Section 355.8, subsection 21, Code 2011, is amended to read as follows:

21. The plat shall be accompanied by a description of the land included in the subdivision and shall contain a statement by the surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa ~~registration~~ license number and legible seal.

Sec. 7. Section 355.11, subsection 2, paragraph f, Code 2011, is amended to read as follows:

f. The certificate shall contain a statement by the surveyor that the work was done and the certificate was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa ~~registration~~ license number and seal.

Sec. 8. Section 468.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The term "*land surveyor*" shall mean a person licensed as a professional land surveyor under the provisions of chapter 542B.

Sec. 9. Section 523I.314A, subsection 2, Code 2011, is amended to read as follows:

2. Prior to the sale of interment rights in an undeveloped area of a cemetery, internal reference markers shall be installed and maintained no more than one hundred feet apart. The internal reference markers shall be established with reference to survey markers that are no more than two hundred feet apart, have been set by a licensed professional land surveyor and mapper, and have been documented in a land plat of survey. Both the map and the land plat of survey shall be maintained by the cemetery and made available upon request to the commissioner and to members of the public.

Sec. 10. Section 542B.1, Code 2011, is amended to read as follows:

542B.1 Licensed engineers and surveyors.

A person shall not engage in the practice of engineering or land surveying in the state unless the person is a licensed professional engineer or a licensed professional land surveyor

as provided in this chapter, except as permitted by section 542B.26.

Sec. 11. Section 542B.2, subsections 7 and 9, Code 2011, are amended to read as follows:

7. The term "*land surveyor*" as used in this chapter shall mean a person who engages in the practice of professional land surveying as defined in this section. Unless the context otherwise requires, any reference in this chapter to "*land surveyor*" or "*land surveying*" means "*professional land surveyor*" or "*professional land surveying*".

9. The term "*professional engineer*" as used in this chapter means a person, who, by reason of the person's knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education or practical experience, is qualified to engage in the practice of engineering. Unless the context otherwise requires, any reference in this chapter to "*engineer*" or "*engineering*" means "*professional engineer*" or "*professional engineering*".

Sec. 12. Section 542B.3, Code 2011, is amended to read as follows:

542B.3 Engineering and land surveying examining board created.

An engineering and land surveying examining board is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The board consists of four members who are licensed professional engineers, one member who is a licensed professional land surveyor or a professional engineer who is also a licensed professional land surveyor, and two members who are not licensed professional engineers or licensed professional land surveyors and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate. A licensed member shall be actively engaged in the practice of engineering or land surveying and shall have been so engaged for five years preceding the appointment, the last two of which shall have been in Iowa. Insofar as practicable, licensed engineer members of the board shall be from different branches of the profession of engineering. Professional associations or societies composed of licensed engineers or licensed land surveyors may recommend the names of potential board members whose profession is representative of that association or society to the governor. However, the governor is not bound by the recommendations. A board member shall not

be required to be a member of any professional association or society composed of professional engineers or professional land surveyors.

Sec. 13. Section 542B.11, Code 2011, is amended to read as follows:

542B.11 Staff — duties.

The staff shall keep on file a record of all certificates of licensure granted and shall make annual revisions of the record as necessary. ~~In revising the record the staff shall communicate biennially by mail with every professional engineer and surveyor licensed under this chapter, as provided in section 542B.18.~~

Sec. 14. Section 542B.14, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Each applicant for licensure as a professional engineer or professional land surveyor shall have all of the following requirements, respectively, to wit:

Sec. 15. Section 542B.14, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

As a professional land surveyor:

Sec. 16. Section 542B.16, subsection 1, Code 2011, is amended to read as follows:

1. Each licensee, upon licensure, shall obtain a seal of a design approved by the board, bearing the licensee's name, Iowa license number, and the words "professional engineer" or "land professional land surveyor" or both, as the case may be. A legible rubber stamp or other facsimile of the seal may be used and shall have the same effect as the use of the actual seal.

Sec. 17. Section 542B.17, Code 2011, is amended to read as follows:

542B.17 Certificate Engineer's certificate.

The board shall issue a certificate of licensure as a professional engineer to an applicant who has passed the examination as a professional engineer and who has paid an additional fee. The certificate shall be signed by the chairperson and secretary of the board under the seal of the board. The certificate shall authorize the applicant to engage in the practice of engineering. The certificate shall not carry with it the right to practice land surveying, unless specifically so stated on the certificate, which permission shall be granted by the board without additional fee in cases where the applicant duly qualifies as a professional land surveyor as prescribed by the rules of the board.

Sec. 18. Section 542B.18, Code 2011, is amended to read as follows:

542B.18 Expirations and renewals.

Certificates of licensure shall expire in ~~multiyear~~ intervals as determined by the board. ~~It shall be the duty of the secretary of the board to notify every person licensed under this chapter, of the date of expiration of the certificate and the amount of the fee that shall be required for its renewal; such notice shall be mailed at least one month in advance of the date of the expiration of the certificate.~~ Renewal may be effected by the payment of a fee the amount of which shall be determined by the board. The failure on the part of any licensee to renew a certificate in the month of expiration as required above shall not deprive a person of the right of renewal. A person who fails to renew a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. For the duration of any war in which the United States is engaged the board may, in its discretion, defer the collection of renewal fees without penalty, which have or may become due from licensed professional engineers who are employed in the war effort, and residing outside the state, or who are members of the armed forces of the United States, and may renew the engineering certificates of licensed professional engineers.

Sec. 19. Section 542B.19, Code 2011, is amended to read as follows:

542B.19 Land surveyor's certificate.

To any applicant who shall have passed the examination as a professional land surveyor and who shall have paid an additional fee as set by the board, the board shall issue a certificate of licensure signed by its chairperson and secretary under the seal of the board, which certificate shall authorize the applicant to practice land surveying as defined in this chapter and to administer oaths to assistants and to witnesses produced for examination, with reference to facts connected with land surveys being made by such professional land surveyor.

Sec. 20. Section 542B.20, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A person holding a certificate of licensure as a professional engineer or professional land surveyor issued to the person by a proper authority of a state, territory, or

possession of the United States, the District of Columbia, or of any foreign country, based on requirements and qualifications, in the opinion of the board equal to or higher than the requirements of this chapter, may be licensed without further examination.

Sec. 21. Section 542B.24, Code 2011, is amended to read as follows:

542B.24 Injunction.

Any person who is not legally authorized to practice in this state according to the provisions of this chapter, and shall practice, or shall in connection with the person's name use any designation tending to imply or designate the person as a professional engineer or professional land surveyor, may be restrained by permanent injunction.

Sec. 22. Section 542B.26, Code 2011, is amended to read as follows:

542B.26 Applicability of chapter.

1. a. This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or professional land surveyors.

b. Corporations engaged in designing buildings or works for public or private interests not their own shall be deemed to be engaged in the practice of engineering within the meaning of this chapter. With respect to such corporations all principal designing or constructing engineers shall hold certificates of licensure issued under this chapter. This chapter shall not apply to corporations engaged solely in constructing buildings and works.

2. This chapter shall not apply to any professional engineer or professional land surveyor working for the United States government, nor to any professional engineer or professional land surveyor employed as an assistant to a professional engineer or professional land surveyor licensed under this chapter if such assistant is not placed in responsible charge of any work involving the practice of engineering or land surveying work, nor to the operation or maintenance of power and mechanical plants or systems.

Sec. 23. Section 542B.27, subsection 1, Code 2011, is amended to read as follows:

1. In addition to any other penalties provided for in this chapter, the board may by order impose a civil penalty upon a

person who is not licensed under this chapter as a professional engineer or a professional land surveyor and who does any of the following:

a. Engages in or offers to engage in the practice of professional engineering or professional land surveying.

b. Uses or employs the words "professional engineer" or "~~land~~ professional land surveyor", or implies authorization to provide or offer professional engineering or professional land surveying services, or otherwise uses or advertises any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is a professional engineer or professional land surveyor or is engaged in the practice of professional engineering or professional land surveying.

c. Presents or attempts to use the certificate of licensure or the seal of a professional engineer or professional land surveyor.

d. Gives false or forged evidence of any kind to the board or any member of the board in obtaining or attempting to obtain a certificate of licensure.

e. Falsely impersonates any licensed professional engineer or professional land surveyor.

f. Uses or attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure.

g. Knowingly aids or abets an unlicensed person who engages in any activity identified in this subsection.

Sec. 24. Section 542B.35, subsection 2, paragraph c, Code 2011, is amended to read as follows:

c. A person who completes the real property inspection report shall not claim to be a licensed professional land surveyor or a licensed professional engineer for purposes of the report.

Sec. 25. Section 543C.2, subsection 5, Code 2011, is amended to read as follows:

5. The complete description of the land offered for subdivision by lots, plots, blocks, or sales, with or without streets, together with plats certified to by a duly ~~registered~~ licensed professional land surveyor accompanied by a certificate attached thereto showing the date of the completion of the survey and of the making of the plat and the name of the subdivision for the purpose of identification of the subdivided land or any part thereof.

Sec. 26. Section 544A.10, Code 2011, is amended to read as

follows:

544A.10 Renewals.

Certificates of registration expire in ~~multiyear~~ intervals as determined by the board. Registered architects shall renew their certificates of registration and pay a renewal fee in the manner prescribed by the board. The board shall prescribe the conditions and reasonable penalties for renewal after a certificate's expiration date.

Sec. 27. Section 544B.12, Code 2011, is amended to read as follows:

544B.12 Seal.

Every professional landscape architect shall have a seal, approved by the board, which shall contain the name of the landscape architect and the words "Professional Landscape Architect, State of Iowa", and such other words or figures as the board may deem necessary. All landscape architectural plans and specifications, prepared by such professional landscape architect or under the supervision of such professional landscape architect, shall be dated and bear the legible seal of such professional landscape architect. Nothing contained in this section shall be construed to permit the seal of a professional landscape architect to serve as a substitute for the seal of a registered architect, a licensed professional engineer, or a licensed professional land surveyor whenever the seal of an architect, engineer, or land surveyor is required under the laws of this state.

Sec. 28. Section 544B.13, Code 2011, is amended to read as follows:

544B.13 Renewals.

Certificates of licensure shall expire in ~~multiyear~~ intervals as determined by the board. Professional landscape architects shall renew their certificates of licensure and pay a renewal fee in the manner and amount prescribed by the board. A person who fails to renew a certificate by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty.

Sec. 29. Section 544B.20, subsection 4, Code 2011, is amended to read as follows:

4. To affect or prevent the practice of land surveying by a professional land surveyor ~~registered~~ licensed under the laws of this state.

Sec. 30. Section 558A.4, subsection 1, paragraph b, Code Supplement 2011, is amended to read as follows:

b. The disclosure statement may include a report or written opinion prepared by a person qualified to make judgment based on education or experience, as provided by rules adopted by the commission, including but not limited to a professional land surveyor licensed pursuant to chapter 542B, a geologist, a structural pest control operator licensed pursuant to section 206.6, or a building contractor. The report or opinion on a matter within the scope of the person's practice, profession, or expertise shall satisfy the requirements of this section or rules adopted by the commission regarding that matter required to be disclosed. If the report or opinion is in response to a request made for purposes of satisfying the disclosure statement, the report or opinion shall indicate which part of the disclosure statement the report or opinion satisfies.

Sec. 31. Section 568.15, Code 2011, is amended to read as follows:

568.15 How constituted.

The members of the commission shall be selected with reference to their fitness for the duties required and at least one of them shall be a competent licensed professional land surveyor and competent licensed professional civil engineer.

Sec. 32. Section 622.42, Code 2011, is amended to read as follows:

622.42 Field notes and plats.

A copy of the field notes of any licensed professional land surveyor, or a plat made by the surveyor and certified under oath as correct, may be received as evidence to show the shape or dimensions of a tract of land, or any other fact the ascertainment of which requires the exercise of scientific skill or calculation only.

Sec. 33. Section 633.249, Code 2011, is amended to read as follows:

633.249 Mode of setting off share in real estate.

The referees may employ a licensed professional land surveyor, and may cause the shares in real estate to be set off by legally sufficient land descriptions. They shall make a report of their proceedings to the court as early as reasonably possible.

Sec. 34. Section 650.7, Code 2011, is amended to read as follows:

650.7 Commission.

The court in which ~~said~~ the action is brought shall appoint a commission of one or more disinterested licensed professional

land surveyors, who shall, at a date and place fixed by the court in the order of appointment, proceed to locate the lost, destroyed, or disputed corners and boundaries.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2127, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2012

TERRY E. BRANSTAD
Governor